

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Wade D. Arvidson,

Civil No. 07-3523 (RHK/FLN)

Petitioner,

ORDER

v.

Warden Timothy Wengler,

Respondent.

Based upon the Findings of Fact, Conclusions of Law, and Recommendation by United States Magistrate Judge Franklin L. Noel dated August 7, 2007, all the files and records, and no objections having been filed to said Report and Recommendation, **IT IS ORDERED:**

1. The Report and Recommendation (Doc. No. 4) is **ADOPTED**;
2. Petitioner's Motion to proceed *in forma pauperis* (Doc. No. 3) is **DENIED**; and
3. This action is summarily **DISMISSED FOR LACK OF JURISDICTION**.

Dated: August 31, 2007

s/Richard H. Kyle
RICHARD H. KYLE
United States District Judge